

Exhibit F

COPY

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2  
3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF NEW YORK

5 -----x  
6 ATLANTIS INFORMATION TECHNOLOGY, GmbH,

7 Plaintiff,

8 - against -

Case No.  
06-CV-3921  
(ADS) (WDW)

9 CA, INC.,

Defendant.

10 -----x  
11  
12 January 24, 2008  
13 10:05 a.m.  
14  
15  
16

17 DEPOSITION of ALEXANDER GAUGLER, taken by  
18 Defendant pursuant to Notice, held at the  
19 offices of Foley & Lardner LLP, 90 Park  
20 Avenue, New York, NY 10016-1314, before  
21 Donna A. Metz, a Registered Professional  
22 Reporter and Notary Public in and for the  
23 State of New York.  
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A P P E A R A N C E S:

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SIGRID JUNKERMANN  
English-German Interpreter  
Scientific Interpreting  
(212) 397-0298

S T I P U L A T I O N S :

IT IS HEREBY STIPULATED AND  
AGREED by and between the attorneys for  
the parties hereto that sealing and  
filing of the within deposition be and  
the same are hereby waived; and that the  
transcript may be signed before any  
Notary Public with the same force and  
effect as if signed before the Court.

IT IS FURTHER STIPULATED AND  
AGREED that all objections, except as to  
the form of the question, shall be  
reserved to the time of trial.

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S I G R I D J U N K E R M A N N ,  
the English-German Interpreter, having  
been duly sworn by the Notary Public  
(Donna A. Metz), interpreted portions  
of the proceedings as indicated herein:

A L E X A N D E R G A U G L E R ,  
having been first duly sworn by the  
Notary Public (Donna A. Metz), was  
examined and testified in English and  
in German through the English-German  
Interpreter as follows:

EXAMINATION

BY MR. ZABRISKIE:

Q. Mr. Gaugler, my name is John  
Zabriskie and I represent CA, Inc. in this  
matter.

I will be asking you questions  
today. If at any time you don't understand  
any of my questions, please tell me that and I  
will try to clarify them for you.

In addition, as you know, we have  
an Interpreter here, and I am just going to  
state for the record the arrangements

1 Alexander Gaugler

2 Q. I was asking, what were the big  
3 improvements planned for release 3.0?

4 A. Well, one was to get a final  
5 structure that becomes independent from the  
6 database.

7 Another one was to remove some  
8 limits in our table definitions.

9 And another one was package shipment  
10 using utility only.

11 MR. BERNSTEIN: Loading?

12 THE INTERPRETER: Only.

13 Q. What is the current status of  
14 release 3.0?

15 A. We have stopped it.

16 Q. When did you stop it?

17 A. Again, between 2002 and '03, I  
18 think.

19 Q. Why did you stop it?

20 A. Well, because of the problems with  
21 CA.

22 Q. What do you mean the problems at  
23 CA? Do you mean the disputes with CA over  
24 payment of royalties?

25 A. Yes.

1 Alexander Gaugler

2 you had stopped development sometime in 2002  
3 and 2003 on release 3.0; correct?

4 MR. JENSEN: Objection, but you may  
5 answer.

6 A. Yes, correct.

7 Q. Well, then, why did you tell  
8 Mr. McGarry in this e-mail that, you say, "I  
9 know, it looks like we aren't doing further  
10 development, but that's not the reality"?

11 Why did you tell him that if in fact  
12 you had stopped work on release 3.0?

13 A. You asked me for the date when we  
14 have stopped and I told you it was 2002, about  
15 2002, 2003.

16 I do not remember telling you when  
17 exactly it was, so it might be that it was  
18 later. I do not recall.

19 I have to look up my notes. Maybe I  
20 find out the exact date.

21 Q. What notes would you look at?

22 A. Pardon?

23 Q. What notes would you look at to  
24 determine the exact date that you stopped  
25 development on release 3.0?

1 Alexander Gaugler

2 A. Maybe I have a communication with  
3 Peter Greissl.

4 MR. ZABRISKIE: Okay. I am going to  
5 ask that you first of all do that, look  
6 at your e-mails or your notes, whatever  
7 communication with Greissl, and then I am  
8 going to ask that that be produced.

9 MR. JENSEN: We will take it under  
10 advisement.

11 MR. ZABRISKIE: Okay. Let's break.

12 I have 1:40. What time do you want  
13 to try to --

14 MR. JENSEN: Whatever you want.

15 (Whereupon, a discussion was held  
16 off the record.)

17 (A luncheon recess was at 1:40 p.m.)  
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Alexander Gaugler

A C K N O W L E D G M E N T

I, ALEXANDER GAUGLER, hereby  
certify that I have read the transcript  
of my testimony taken under oath on the  
24th day of January, 2008, that the  
transcript is a true, complete and  
correct record of what was asked,  
answered, and said during the deposition,  
and that the answers on the record as  
given by me are true and correct.



ALEXANDER GAUGLER

Signed and subscribed to before me  
this day of March 27, 2008.

Notary Public

CASE NAME: ATLANTIS INFORMATION vs CA, INC.  
DEPOSITION DATE: January 24, 2008  
NAME OF WITNESS: ALEXANDER GAUGLER

[illegible]

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2008.

I hereby declare under penalty of perjury of the law of the United States that the foregoing is true and correct.

~~Alexander Gaugler~~

Dated: March 27, 2008